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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|----------------------------------|---|--------|
| In re Application of | : | PATENT |
| Winfried Klein et al. | : | |
| Serial No.: 10/563,876 | : | |
| Filed: January 9, 2006 | : | |
| For: FLUID COOLING DEVICE | : | |

**SUBMISSION OF ENGLISH LANGUAGE
PRELIMINARY EXAMINATION REPORT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is an English language Preliminary Examination Report for the
above-identified application.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Mark S. Bicks".

Mark S. Bicks
Reg. No. 28,770

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Dated: June 2, 2006

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

BARTELS UND PARTNER
Lange Strasse 51
70174 Stuttgart
ALLEMAGNE

Bartels und Partner
Patentanwälte

Eingegangen: 24. MAI 2006
Received:

TERMIN

| | |
|--|--|
| Date of mailing (day/month/year) 18 May 2006 (18.05.2006) | |
| Applicant's or agent's file reference 40cdh/229232 | IMPORTANT NOTIFICATION |
| International application No. PCT/EP2004/002237 | International filing date (day/month/year) 05 March 2004 (05.03.2004) |
| Applicant HYDAC SYSTEM GMBH et al | |

1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

KR

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Agnes Wittmann-Regis

Facsimile No.+41 22 740 14 35

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Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

| | | |
|--|---|---|
| Applicant's or agent's file reference 40cdh/229232 | FOR FURTHER ACTION | See Form PCT/IPEA/416 |
| International application No. PCT/EP2004/002237 | International filing date (day/month/year) 05.03.2004 | Priority date (day/month/year) 10.07.2003 |
| International Patent Classification (IPC) or national classification and IPC F15B21/04 | | |
| Applicant HYDAC SYSTEM GMBH | | |

| | |
|--|---|
| 1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. | |
| 2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet. | |
| 3. This report is also accompanied by ANNEXES, comprising: | |
| a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows: | |
| <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). | |
| <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. | |
| b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). | |
| 4. This report contains indications relating to the following items: | |
| <input checked="" type="checkbox"/> Box No. I | Basis of the report |
| <input type="checkbox"/> Box No. II | Priority |
| <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI | Certain documents cited |
| <input type="checkbox"/> Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> Box No. VIII | Certain observations on the international application |

| | |
|---|-----------------------------------|
| Date of submission of the demand | Date of completion of this report |
| Name and mailing address of the IPEA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/002237

Box No. 1 Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
 - ☐ international search (Rule 12.3 and 23.1(b))
 - ☐ publication of the international application (Rule 12.4)
 - ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
 - ☐ the international application as originally filed/furnished
 - ☒ the description:
 - pages 1-8 _____ as originally filed/furnished
 - pages* _____ received by this Authority on _____
 - pages* _____ received by this Authority on _____
 - ☒ the claims:
 - nos. 1-9 _____ as originally filed/furnished
 - nos.* _____ as amended (together with any statement) under Article 19
 - nos.* _____ received by this Authority on _____
 - nos.* _____ received by this Authority on _____
 - ☒ the drawings:
 - sheets 1/1 _____ as originally filed/furnished
 - sheets* _____ received by this Authority on _____
 - sheets* _____ received by this Authority on _____
 - ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/002237

| Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | |
|---|---|------------|-----|
| 1. Statement | | | |
| Novelty (N) | Claims | 2, 6-9 | YES |
| | Claims | 1, 3, 4, 5 | NO |
| Inventive step (IS) | Claims | | YES |
| | Claims | 1-9 | NO |
| Industrial applicability (IA) | Claims | 1-9 | YES |
| | Claims | | NO |
| 2. Citations and explanations (Rule 70.7) | | | |
| Reference is made to the following documents: | | | |
| D1: US-B1-6 354 089 (JOHNSON LARRY A ET AL) 12 March 2002 (2002-03-12) | | | |
| D2: PATENT ABSTRACTS OF JAPAN, Vol. 012, No. 392 (M-755), 19 October 1988 (1988-10-19) & JP 63 140811 A (MAZDA MOTOR CORP) 13 June 1988 (1988- 06-13) | | | |
| D3: PATENT ABSTRACTS OF JAPAN, Vol. 1999, No. 04, 30 April 1999 (1999-04-30) & JP 11 022461 A (TOYOTA MOTOR CORP) 26 January 1999 (1999-01- 26) | | | |
| <p>The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 is not novel (PCT Article 33(2)).</p> <p>D1 discloses (cf. column 3, line 51 - column 4, line 25; column 4, line 64 - column 5, line 13; figures 2, 3; the references in parentheses relate to D1):</p> <p>Fluid cooling device as a modular unit (10) with a drive motor (21) which drives a ventilation wheel (72) and a fluid pump (28) that supplies a first type of fluid (30) to a fluid working circuit</p> | | | |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/002237

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

(26a) and to a heat exchanger (80) from which the fluid returns to the fluid working circuit in a tempered state, wherein a second fluid pump (40) can be used to remove a second type of fluid (36) from a supply tank (58) and supply it to a second fluid working circuit (34a) from which the second type of fluid returns to the supply tank (58) via the first (80) and second (78) heat exchangers.

Claim 1 is not novel over D2 and D3 either.

Dependent claims 2-9 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT novelty and inventive step requirements - see D1, D2 and D3 and the corresponding passages indicated in the search report.